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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,649	08/03/2001	Philip Victor Harman	006020.00011	5813

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EXAMINER

HADIDI, JON

ART UNIT

PAPER NUMBER

2671

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,649

Applicant(s)

HARMAN, PHILIP VICTOR

Examiner

Jon Hadidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on October 31, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6 & 7</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7, line 1 is indefinite with respect to the claim language "may be" because it is unclear how the object identification is defined. Appropriate correction, such as changing "may be" to "is", is required.

Claim 7, line 2 is indefinite with respect to the terms "<layer identifier><object identifier><depth characteristic>" because a proper conjunction, such as "and" or "or", is not used between the terms. Appropriate correction is required.

2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10, line 1 is indefinite with respect to "A system" as the system lacks proper antecedent basis. Appropriate correction, such as changing "A system" to "A method", is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-3 and 5-12 are rejected under 35 U.S.C. 102(a) as being anticipated by Yokoi, U.S. Patent No. 5,682,171.

With regard to claim 1, Yokoi describes defining a depth characteristic for each object or layer, and respectively displacing each object or layer by a determined amount in a lateral direction as a function of the depth characteristic of each layer (col. 2, lines 20-63; col. 3, lines 29-41; and col. 7, line 64 to col. 8, line 10).

With regard to claim 2, Yokoi describes at least one said layer having a plurality of said objects is segmented into additional layers (col. 3, lines 5-20).

With regard to claim 3, Yokoi describes an additional layer is created for each said object (Fig. 10 and col. 10, lines 48-64).

With regard to claim 5, Yokoi describes a tag associated with each said object includes the depth characteristics for said object (Fig. 17 and col. 14, lines 4-16).

With regard to claims 6, 7, and 10, Yokoi describes each object and layer is assigned an identifier and/or a depth characteristic, as recited in claim 6

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(object identifier OBJ at, for example, col. 7, line 64 to col. 8, line 10; layer identifiers BG and W0-W31 at, for example, Fig. 10 and col. 10, lines 48-64; depth characteristic JP in col. 12, lines 46-54 and depth characteristic GP in col. 14, lines 4-16); object identification may be defined as <layer identifier> <object identifier> <depth characteristic>, as recited in claim 7 (object identifier OBJ at, for example, col. 7, line 64 to col. 8, line 10; layer identifiers BG and W0-W31 at, for example, Fig. 10 and col. 10, lines 48-64; depth characteristic JP in col. 12, lines 46-54 and depth characteristic GP in col. 14, lines 4-16); and depth characteristics for each said object or layer is embedded in said layered source, as recited in claim 10 (Figs. 15 and 17, depth characteristics JP and GP, respectively, and Fig. 8, layered source Image Work Memory 255; col. 12, lines 56-64; col. 13, lines 28 to col. 14, line 16).

With regard to claim 8, Yokoi describes wherein each identifier is an alphanumeric identifier (layer identifiers W0-W31 in Fig. 10 and col. 10, lines 48-64; object identifiers SPT0-SPT3 in Fig 14 and col. 12, lines 25-45).

With regard to claim 9, Yokoi describes said layer identifier is a reference to said depth characteristic (col. 13, lines 53-66).

With regard to claim 11, Yokoi describes duplicating each said layer to create said left and right eye images; defining a depth characteristic for each object or layer, and respectively displacing each object or layer by a determined amount in a lateral direction as a function of the depth characteristic of each layer (col. 2, lines 44-63).

With regard to claim 12, Yokoi describes said displacing of said left and

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right eye images is in an equal and opposite direction (col. 2, line 64 to col. 3, line 4).

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(a) as being anticipated by Richard, International Publication No. WO 97/24000.

With regard to claim 1, Richard describes defining a depth characteristic for each object or layer, and respectively displacing each object or layer by a determined amount in a lateral direction as a function of the depth characteristic of each layer (see Abstract).


With regard to claim 4, Richard describes wherein at least one said object is stretched to enhance the stereoscopic image (page 12, line 10 to page 13, line 6).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon Hadidi whose telephone number is 703-605-1187. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 703-305-9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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